

REMARKS

Initially, Applicants would like to express their appreciation to the Examiner for the detailed Official Action provided, and for the acknowledgment of Applicants' Information Disclosure Statement by return of the Form PTO-1449

Applicants acknowledge with appreciation the indication that claims 10-14, 16-18 and 21 are allowable, on page 3 of the Official Action.

Claims 1-18, 20 and 21 are currently pending. Claims 1-9 have been withdrawn from consideration by the Examiner. The Examiner has indicated that claims 10-14, 16-18 and 21 are allowable. Applicants respectfully request reconsideration of the outstanding rejections and allowance of all the claims pending in the present application.

On pages 2 and 3 of the Official Action, claims 15 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over TAYLOR et al. (U.S. Patent No. 5,975,090) in view of JP 6-154027 and IKEMOTO (U.S. Patent No. 5,150,491).

Applicants respectfully traverse the rejection of claims 15 and 20 under 35 U.S.C. § 103(a).

Claim 15 includes, inter alia, "a brush head having a brush base made of an antistatic material and formed with a multiplicity of bristles, said brush base having an opening defined therein for passage of the ions from the ion generator to an outside of the

hairbrush; wherein some of the bristles around the opening in the brush base are removed to provide a plain surface area where no bristle exist.”

Applicants submit that TAYLOR et al. lacks any disclosure of *an ion passage opening in a brush base around which there is provided a plain surface area with no bristles* (as is acknowledged by the Examiner in the statement of the rejection).

Applicants note that Figure 2B of TAYLOR et al. shows a brush base having bristles 140 and openings 150. However, there is no disclosure in TAYLOR et al. of the brush base having a plain surface area with no bristles around the openings 150. In particular, as shown in Figure 2B, the bristles 140 are provided in rows which pass between the openings 150, and there is no plain surface without bristles provided around the openings. In contrast, the present application teaches providing such a plain surface without bristles around the openings in order to reduce interference with ions passing out through the blowoff port. Note, for example, plain surface area 18 shown in Figures 20-26 and 29; page 5, line 29 through page 6, line 13; page 20, lines 2-5; page 20, line 28 through page 21, line 9; and page 21, line 21 through page 22, line 20.

Further, Applicants submit that JP 6-154027 does not provide any teaching which would have motivated one of ordinary skill in the art to make the modification suggested by the Examiner. Applicants submit that such modification is clearly the result of impermissible hindsight reasoning based upon the disclosure of the present application,

rather than the teachings of the references themselves. Applicants further submit that JP 6-154027 does not teach removing bristles from around an opening, and that the motivation stated by the Examiner (i.e., so that the brush is softer to the hair and also has a repair effect to damage hair) is not disclosed as a benefit of removing bristles from around an opening, but is instead the stated benefit of the entire system disclosed in JP 6-154027. Accordingly, Applicants submit that it would not have been obvious to one of ordinary skill in the art to provide an ion passage opening in a brush base around which there is provided a plain surface area with no bristles in the system of TAYLOR et al.

Applicants also submit that TAYLOR et al. lacks any disclosure of a *brush base made of an antistatic material* (as is acknowledged by the Examiner in the statement of the rejection).

Further, Applicants submit that IKEMOTO does not provide any teaching which would have motivated one of ordinary skill in the art to make the modification suggested by the Examiner. Applicants submit that such modification is clearly the result of impermissible hindsight reasoning based upon the disclosure of the present application, rather than the teachings of the references themselves. Applicants further submit that IKEMOTO lacks any disclosure of a brush base made of an antistatic material. Instead, IKEMOTO only discloses antistatic members 9 which are inserted into holes in a conductive brush base 2 (note, for example, column 1, lines 54-66). Accordingly, it is

clear that IKEMOTO does not disclose a brush base which is itself made of antistatic material. Accordingly, Applicants submit that it would not have been obvious to one of ordinary skill in the art to provide a brush base made of an antistatic material in the system of TAYLOR et al.

Applicants also submit that dependent claim 20, which is at least patentable due to its dependency from claim 15, for the reasons noted above, recites additional features of the invention and is also separately patentable over the prior art of record. In particular, Applicants note that none of the applied references disclose an indicator for providing an indication of the ions being generated which is disposed on the brush base adjacent an opening. Applicants further submit that locating an indicator in such location in the system of TAYLOR et al. would not have been obvious to one of ordinary skill in the art, and that such modification is clearly the result of impermissible hindsight reasoning based upon the disclosure of the present application, rather than the teachings of the references themselves.

Applicants respectfully submit that the rejection of claims 15 and 20 under 35 U.S.C. § 103(a) is improper at least for each and certainly for all of the above-noted reasons. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection, and an early indication of the allowance of claims 15 and 20.


SUMMARY AND CONCLUSION

Consideration of the remarks contained herein, reconsideration of the outstanding Official Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate.

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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November 22, 2004  
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